

## EXTENSIONS OF REMARKS

KENAI NATIVES ASSOCIATION  
EQUITY ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 21, 1993

Mr. YOUNG of Alaska. Mr. Speaker, I am introducing legislation today to correct a significant inequity in Federal law respecting land uses of property conveyed to the Kenai Natives Association, Inc. [KNA]. The legislation, which will mark a final outcome of a process begun nearly 14 years ago and which was the subject of a congressional hearing last year and the enactment of one interim law, would correct the land entitlement inequities of KNA by authorizing and directing the completion of a land exchange and acquisition package. The legislation will allow KNA for the first time to make economic use of the majority of lands conveyed to the corporation under the Alaska Native Claims Settlement Act of 1971.

During the last Congress, we began the final stage in this process by directing, through enactment of Public Law 102-458, an expedited negotiation of a land acquisition package between the Fish and Wildlife Service and KNA. Over the past year, negotiations were completed, resulting in a package which is identical to the elements of the legislation I am introducing today.

It is my understanding that a final review of this package is being undertaken by the Office of Management and Budget. This review is not likely to be completed prior to the end of the first session of this Congress. While I am confident that the review will be positive, I believe it is important to proceed to introduction of this legislation so that the acquisition and land components of the legislation are understood.

I am pleased with the effort by KNA, its President Katherine Boling, and Board of Directors as well as the U.S. Fish and Wildlife Service to finalize this acquisition. Setting aside past differences, KNA and the Fish and Wildlife Service set about earlier this year to meet the objectives of Public Law 102-458 and to finally resolve the land use disagreement which has prevented KNA from using most of its lands conveyed under ANCSA. At the same time, another purpose of Public Law 102-458 and, a Federal goal, was acquiring for public ownership a key land acquisition along the Kenai River. These missions would be accomplished by the legislation I am introducing today.

The Service has completed all the necessary negotiations on land acquisitions and exchange components and completed the necessary public review and legal reviews required for exchanges in Alaska. I commend the Service for their effort to acquire a key parcel of land along the Kenai River, inside the boundaries of the Kenai National Wildlife Refuge, for public use. This acquisition is the

crucial component of this legislation. Just as crucial is the need to allow KNA to make economic use of lands conveyed to the corporation to settle Native land claims. It is wrong under any sense of fairness or the law to convey lands to Native corporations in settlement of recognized land claims yet at the same time prohibit the use of those lands.

The key components of the bill are as follows:

Sections 1 and 2 contain the short title and findings and purposes of the legislation.

Section 3 contains the definitions for the terms of the bill.

Section 4 provides for the exchange and acquisition terms, including lands to be exchanged, lands to be acquired by the Federal Government through the Land and Water Conservation Fund and provides for the general provisions applicable to the acquisition and exchange. Included is the removal of KNA lands from the Refuge.

Section 5 provides for the necessary boundary adjustments and status adjustments to the federally-owned lands.

Section 6 provides for the creation of a surplus property account in the amount determined by Congress using existing appraisals to be necessary to equalize values of the exchange.

Section 7 provides for the authorization of appropriations to carry out the purposes of the act.

Mr. Speaker, we will need innovative measures to resolve land use conflicts in Alaska. Secretary Babbitt has noted the need for innovative exchanges throughout the Nation to properly manage Federal lands. This legislation represents a fine example of an exchange which resolves a longstanding land dispute on a voluntary basis.

I believe we can and should resolve this dispute on a voluntary basis. If we fail to do so, the result will only be ill-will, an extreme inequity to the Alaska Natives of KNA, litigation and the loss of an important opportunity to acquire in public ownership riverfront lands along the Kenai River. Further, there will remain a significant doubt that any land use conflict involving Federal lands in Alaska can be resolved in a cooperative fashion.

Mr. Speaker, I have worked closely with the distinguished chairman of the Natural Resources Committee, Mr. MILLER on this matter, stretching back several years. I believe we are at the finish line and we have an unequalled opportunity to correct an inequity, acquire valuable habitat and show that innovative answers to land use problems will work in Alaska. I look forward to moving forward on this legislation or agreed-upon substitute legislation which resolves this matter on a voluntary, willing seller basis early next year.

HOLY COW! THE SCOOTER'S NOT  
IN THE HALL?

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 21, 1993

Mr. BOEHLERT. Mr. Speaker, "I think that my head shrinks a little in this indoor stadium," laments Phil Rizzuto as he settles down behind the microphone to call another game for Yankee fans. He's having trouble adjusting to the unfriendly environs of the Metrodome, "The mike is getting bigger. And I have to tighten it." A man who has lived and breathed baseball for every single one of his 75 years just can't reconcile himself to the monstrous steel edifice the Yankees are playing in this night.

Alternately displaying a tremendous command of the absurd and the dazzling, Rizzuto has thrilled New Yorkers for years with such commentary as this, from a 1991 Yanks-Jays game:

Fly ball, right field. It's gonna drop in! No, it's not gonna drop in. Happy 46th wedding anniversary, Thomas and Mary Anne Clearwater. That's it. The last 3, 6, 9, 12 Yankees went down in order. So that's it. The game is over.

Commenting on his style of announcing, Rizzuto declared, "If ever I tried to analyze what I do, I'd be a professional. And I'd be out of work. I'm a fan. I get excited, I get mad, just the way a fan would."

But before he was the prolific voice of Yankee baseball and spokesman for a certain currency store, Phil Rizzuto was a great baseball player, and a key member of the tremendous Yankee dynasty of the 1940's and 1950's. During those years, Rizzuto helped lead the Yankees to 10 pennant championships and 9 World Series appearances, winning 7.

Scout grew up playing stick ball in the streets of Brooklyn, dreaming of one day making it as a professional baseball player. Standing only 5'6", however, he was too small to play in the big leagues, or so he was told. But he persevered, developing a deft touch in the field and craftiness at the plate.

He broke into the Yankee line-up in 1941. In that inaugural season, the young Rizzuto batted an impressive .307 and earned a permanent place on the team. That also happened to be the year that Joe DiMaggio set baseball's immortal record, hitting in 56 straight contests, and the Yankees went on to beat the Brooklyn Dodgers in the World Series.

During a game early on in that season, Rizzuto was called to the mound by the Yankee ace Lefty Gomez. "Kid, is your mother in the stands?" Lefty inquired. "Yes, sir, Mr. Gomez," Phil replied. "Well stay here and talk to me a little; she'll think your giving advice to the great Lefty Gomez." Later that day Rizzuto hit his first home run.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Unfortunately, on December 7, 1941, the Japanese bombed Pearl Harbor and Rizzuto was called to serve his country. However, Rizzuto went on to play 13 seasons for the Bronx Bombers.

There is no doubt in anyone's mind that Rizzuto was an outstanding ball player. But sharing the field with the likes of DiMaggio, Mantle, Berra—it is understandable why many have overlooked his great accomplishments. Perhaps his greatest season was in 1950. That year he led all American League shortstops with an incredible .982 fielding percentage. He also batted .324, higher than any shortstop in Yankee history, and was the league MVP.

But what sets Rizzuto apart is his unadulterated enthusiasm for America's favorite pastime. Mel Allen once proclaimed, "His Value transcends statistics, Rizzuto was the heart and guts of the ball club." While he didn't hit many home runs, his tenacious competitiveness was displayed in other, less assuming ways. Rizzuto was especially renowned for his bunting ability and his tenacity on the bases, talents that don't generate headlines.

But for decades now, Rizzuto has been denied baseball's ultimate honor, induction into the National Baseball Hall of Fame in Cooperstown, NY. I can only hope that the Baseball Hall of Fame Committee on Baseball Veterans sees its way clear to correcting this oversight, by recognizing the outstanding achievements of a man who has dedicated his life to baseball, the greatest fan in the world, Philip Francis Rizzuto.

#### SPEECH BY EDWARD YAMBRUSIC

#### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 21, 1993

Mr. TRAFICANT. Mr. Speaker, last Thursday night I had the honor and privilege to attend an awards dinner given by the National Confederation of American Ethnic Groups, Inc., here in the Capitol. At this time, I would like to insert into the RECORD the very moving and insightful remarks made by the confederation's president, Dr. Edward Slavko Yambrusic:

#### SPEECH BY DR. EDWARD SLAVKO YAMBRUSIC

Today, it is fitting and proper to recall the noble aims and purposes of the National Confederation of American Ethnic Groups (N.C.A.E.G.), most important among them are:

1. Unite its collective and individual members for a greater American unity and democracy.
2. Develop pride in and love for our system of Government and its institutions.
3. Oppose Communist conspiracy at home and abroad, work toward the liberation of all enslaved nations and individuals, support the American principles of liberation, self-determination and full sovereignty for all peoples and nations, and oppose unprincipled expediency.
4. Oppose fascism and other totalitarian movements, teachings, and ideas which are contrary to our basic American concepts of freedom, democracy, social equality, and justice.

5. Eradicate discrimination based on race, religion, and national origin.

6. Uphold the rights of minorities in their freedom to speak, write, and worship; and encourage the ethnic groups to make a fuller more vigorous contribution to the American way of life.

7. Enable the ethnic groups to share fully in the rights and privileges, as well as the responsibilities, of citizenship, to which they are entitled under the constitution. This includes full and fair representation in the higher courts, in Congress, and in all policy making bodies of Government.

As you can see, we are an organization of idealists. Established in the 1950's, at the peak of the cold war, we were often dismissed by the Washington pundits, and the so-called "experts of the region" or the area "specialists"—as sentimentalists whom time has passed by, evicted from the "global village."

They had pretty much written off the aspirations of our people for self-determination in spite of their schizophrenic existence under the various versions of Communism—from the one with the so-called "human countenance" generally attributed to Marshall Tito, to the hard core of Stalinism and Maoism. To our people this was distinction without a difference, insofar as their quality of life was concerned as individuals and members of a community of nations deeply rooted in their histories, traditions and general western orientation.

We have kept the faith for them, though mostly ignored by the media, we faithfully commemorated "The Captive Nations Week" year after year, until it suddenly happened—the wall of the "Iron Curtain" literally and figuratively crumbled—shell-shocking the liberal establishment and their "think tanks".

As our ancestral lands—one by one—began courageously declaring political independence and national sovereignty, one of the most noble purposes of the Confederation has been fulfilled. The historic nations—Armenia, Croatia, Slovenia, Slovakia, Ukraine, Belarus, the Baltic States of Lithuania, Latvia, and Estonia, and other peoples of the former Soviet empire—have raised their flags of freedom and democracy, discovering once again after decades, even centuries of neglect the beauty of their national heritage.

So, as a Croatian American, it gives me a great deal of pleasure, personal pride and satisfaction to have with us this evening his excellency, Dr. Peter Sarcevic, the Ambassador from the Republic of Croatia to the United States. His presence this evening has, you might say, fulfilled my dream and in some way completed my task in the Confederation. So it is true with my colleagues: Dr. Szaz for Hungary, Dr. Genys for Lithuania, Commissioner Maleski for Slovakia, Mr. Swider and Mr. Plonski for Poland, Dr. Dobrianski for Ukraine, and Judge Stocker for all of the above. Indeed, each of our members has carried in his or her heart a special place for the country of his or her roots.

So, let us celebrate tonight and give special honor and recognition to those distinguished Americans that have believed in the righteousness of our cause, the moral and spiritual strength of our people, and helped us to see the day of the emancipation of our people from the shackles of Communism and various shades of its hegemony.

We are neither separatists nor nationalists—we are freedom fighters—dedicated to the principles of self-determination of peoples, ordered liberty and democracy.

Today we have new challenge in the helping of our people as they go through a difficult period of transition from dictatorship, planned economy and such euphemisms as "self management" to democracy and free market economy. In this new struggle, we especially must not forget the people of Croatia and Bosnia and Hercegovina who have been exposed to the vestiges of barbaric Communism, chauvinist Serbian ultra-nationalism, and neo-fascism predicated on the arrogance of prejudice and hatred carried out in the most abhorrent systematic, calculated, policies of "ethnic cleansing" national and cultural genocide, rape, carnage, and destruction of irreplaceable cultural monuments, churches, mosques, and Jewish cemeteries, unprecedented in the history of mankind.

This indeed is the most bizarre conflict wherein a Serbian minority in Croatia—eleven percent—and in Bosnia and Hercegovina—thirty three percent—is destroying majority under the hypocritical pretext that the international community through the United Nations protective forces—unproven—is protecting the belligerent minority from the destroyed majority that declared itself for a democratic system of government.

The clear undisputable acts of Serbian aggression and war crimes must not and cannot, as some have tried, unfortunately with some success, be equated with the victims and their occasional excesses, regrettable and reprehensible as they are, committed at the moment of desperation knowing that the free world, especially their ideal—the United States of America—does not care. But I do not accept the general alibi that the United States people does not care. The current U.S. establishment does not care. For Americans are compassionate people. We, as Americans do care and are totally disappointed with the current U.S. foreign policy without vision and moral considerations. For once we do agree with the Washington Post that the "line up" should be changed, but the roll call starts from the top.

So, on this auspicious occasion, we must urge and plead with President Clinton, his administration, Members of Congress, and, indeed, the whole civilized world, do not betray the sacred trust of western civilization. Do not permit any longer the destruction and holocaust of the very people that throughout history stood gallantly on the frontiers of western civilization defending and preserving the very shared values that have made this country the great Nation that it is.

If Western Europe—that benefited the most—has now abdicated its international responsibility—we, in the United States and you Mr. President, cannot and must not, because the faith and indeed the responsibility for ensuring the fundamental minimum standards of civilized behaviour is in your confidence and trust. The vital national interests of the United States are different from those of the now second rate powers that justify and hide their cowardliness and latent prejudice against Croatian people in the inaction and impotence of the still underdeveloped international organizations and institutions.

Yes, we are at the threshold of a new era of historic challenges and opportunities to shape and guide mankind to a new world order through law that reflects the commonality of what is good in the civilized heritage of man as a rational human being. In this effort, we must be willing to exert our highly superior military strength, and show decisively the moral and political resolve of the most powerful Nation in the world.



Barbarism in the heart of Europe must be stopped and those responsible for it must be punished in accordance with the normative standards of international law and order. Yours is the awesome responsibility Mr. President. You are the Commander-in-Chief. You must lead and show the way. If NATO is an American driven alliance, as the Europeans seem to perceive it and are waiting for a signal from the United States to go ahead then, Mr. President, give the command to stop this unparalleled human suffering and despair in the heart of Europe.

History shall not judge those who are no longer making history. The history will judge and hold us accountable—yes—the United States of America—entrusted in this period of human development with the protection of the innocent and helpless against the tide of brutal aggression. The noble values of our western heritage must not be betrayed less the manifest destiny become an empty phrase of a nation that has failed to answer the call at the pinnacle of its greatness.

If we are a nation of brave men, as I believe we are, we must not leave unanswered the desperate cries of innocence and human suffering. The occasional stretching out of the hand of humanitarian aid is not the answer to these outbursts of pleas to human decency and our humanity. The peacekeepers of the illusory nonexistent peace must be replaced with the peacemakers of the peace based on justice, equality, and human dignity. Thank you.

#### DRUG POLICY REPORT

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 21, 1993

Mr. OXLEY. Mr. Speaker, in the weeks and months leading up to House approval of the North American Free-Trade Agreement Wednesday night, critics of the agreement forecast any number of cataclysmic scenarios which would follow if NAFTA were enacted. Among these was the assertion, dubious in my opinion, that we would see a dramatic increase in drug trafficking across the United States-Mexican border.

In light of these statements, I wish to bring the following drug policy newsletter to the attention of the House. This is the preview issue of "Drug Policy Report," edited by Richard J. Baum, formerly of the staff of the House Select Committee on Narcotics Abuse and Control. "Drug Policy Report" promises to be an excellent resource for drug control policy-makers. I recommend it to the attention of my colleagues.

[From the Drug Policy Report, Nov. 17, 1993]

DRUG EXPERTS FAVOR NAFTA—ANTIDRUG COOPERATION AT RISK WITH REJECTION, 70 PERCENT SAY

The vast majority of drug experts favor NAFTA, according to a national survey conducted by Drug Policy Report. Over 70% of those responding said NAFTA's rejection would severely harm U.S./Mexican antidrug cooperation. John Walters, Former Acting Director of the Office of National Drug Control Policy, said that because NAFTA "brings the U.S. and Mexico closer as neighbors it strengthens our anti-drug efforts, not harms them."

Robert C. Bonner, DEA Administrator until his resignation last month, said in a written response to the survey, that "[a] rejection of NAFTA is likely to adversely affect our overall bilateral relationship with Mexico," and "that it could also reduce the level of cooperation between the U.S. and Mexico in counter-narcotics matters."

Mexico seized almost 40 metric tons of cocaine last year, second only to the U.S. in worldwide seizures. Mexico has also cut its harvestable poppy production by 50%, its marijuana production by two-thirds, stepped up its air interdiction program, fired 3,000 Customs Police for corruption, and extensively deployed its military and police in drug control operations. It is estimated that 50-70% of cocaine entering the United States crosses the 2,000-mile-wide U.S./Mexico border.

Survey participants soundly rejected the contention of Ross Perot, that NAFTA would increase drug trafficking. In our survey 66% said it would make no difference, while 33% claimed that it would.

Rensselaer Lee, President of Global Advisory Services, said NAFTA would make trafficking "somewhat easier." William von Raab, who served as Customs Commissioner under President Ronald Reagan, told us that "NAFTA will worsen the narcotics situation" because of the increased pressure Customs officials would be under to keep border traffic moving.

New York based drug policy expert Dr. Rachel Ehrenfeld, stated that NAFTA will not only make trafficking drugs easier, it will also make money laundering easier. She further noted that businesses in Canada, America, and Mexico were "turning a blind eye" to money laundering. She is not against NAFTA, but suggests that as a condition of NAFTA the U.S. demand Mexico's full compliance with all American money laundering laws.

Most experts, however, said that NAFTA would not make any difference. Typical was the response of Bonner, who said that the implementation of NAFTA, would "not significantly affect the flow of illegal drugs from Mexico to the U.S.," since the "vast majority of all illegal drugs seized at the border result not from random searches but from prior investigation and resulting intelligence information."

Former Customs Commissioner Carol Hallett, who served under President Bush believes that law enforcement agencies on both sides of the border are ready to handle any increase in trade. Hallett told Drug Policy Report of the extensive preparations that Mexico has gone through in anticipation of NAFTA.

Two years ago Mexican Customs Policy secretly trained "1200 new Customs Inspectors for the border and gave notice to 3000 Customs inspectors" suspected of corruption. Currently Mexican Customs officials are moved every 6 weeks to different places on the border so they don't become "too chummy," with individuals in any specific area. They are also subject to annual lie detector tests. Hallett stressed the "outstanding relationship" between U.S. and Mexican Customs, saying "If we don't have good cooperation, we can't deal with problems that will arise." She added that the U.S. has boosted its Customs Service, adding 1,000 new inspectors along the border (to a total of 3,000) and spending \$350 million on site improvements and equipment to enable the inspectors to more effectively search vehicles and cargo containers.

Survey participants repeatedly pointed out how critical NAFTA was for the overall U.S./

Mexico relationship. Former Deputy Assistant Secretary of State for International Narcotics Matters (INM), Bill Olson says "NAFTA marks an important breakthrough. Its rejection will 'poison our ability to cooperate on a whole range of issues' and 'set back relations a generation.'"

Ann Wroblewski, former Assistant Secretary of State for INM adds that NAFTA's rejection will reverberate throughout Latin America and "bodes disastrously for everyone with whom we cooperate on narcotics." She also praised the Mexicans for taking over the costs of their antidrug program, which was once funded primarily through U.S. aid.

Stephen Flynn, Co-Director of the Brookings Global Addiction Project, predicts NAFTA's rejection will significantly damage U.S./Mexican relations and result in the revival of Mexican sovereignty concerns. Previous Mexican Administrations have rejected antidrug surveillance activities on sovereignty grounds.

Two well known academic experts told Drug Policy Report that the NAFTA/drug linkage had been oversold. Harvard's Mark Kleiman said that NAFTA "will not have any impact" on cocaine traffic. Rand's Peter Reuter called the connection a "damn red herring," explaining that NAFTA would not affect border drug trafficking.

Former DEA Administrator Jack Lawn raised the analogy of intra-border changes in the European Community, which is something U.S. law enforcement has been concerned about for a number of years. However, Lawn said the situation with Mexico differs because neither the U.S. nor Mexico intend to eliminate border inspections as has been done in the EC.

Drug Policy Report's NAFTA survey adds weight to the argument that NAFTA's rejection would make drug control harder by damaging the cooperative counter-narcotics relationship that has been established between Mexican and American authorities. The survey offers Members of Congress concerned about drug trafficking some clear advice on NAFTA along the lines of the Hippocratic oath—first do no harm. Rejecting NAFTA would surely damage U.S./Mexican relations and thus seriously harm border drug control.

#### NO SURRENDER IN DRUG WAR

Welcome to Drug Policy Report. In the months and years ahead we will be investigating and reporting on all aspects of the struggle against illegal drugs around the world. We hope you will join us as charter subscriber.

This brief special preview issue focuses on the NAFTA/drug issue, but future issues will be much more comprehensive. Each month we will report on the activities of U.S. Drug Agencies, both in Washington and around the world. We will also use our expertise, and that of our many friends in Washington and abroad, to analyze what the news means and to predict where it will lead.

Every issue will open with an original piece of investigative journalism, examining important narcotics issues that have yet to be sufficiently covered by the mainstream media. Every regular edition will also include an opinion column from a distinguished expert in the antinarcotics field.

This newsletter is designed to serve as the voice of the international narcotics control community. We are looking forward to giving those of you knowledgeable about drug policy a forum to express your views. Starting next month we will also include your letters.

As many of you know, some of the key people behind this newsletter used to work for the House Select Committee on Narcotics Abuse and Control, which was eliminated in May as a budget savings measure. Fortunately, the Committee has been revived as a Legislative Service Organization led by former Select Committee leaders Charles Rangel (D-NY) and Mike Oxley (OH). Drug Policy Report will follow their activities closely.

However, the elimination of the Narcotics Committee was only the first of many recent setbacks for antidrug efforts. The Clinton Administration has lowered the priority of drug control and severely weakened the Office of National Drug Control Policy through staff and budget cuts. Resources for both international narcotics control and interdiction programs have also been reduced. Most importantly, the U.S. has surrendered moral leadership of the international drug war by failing to press the issue with our allies.

However, it is not too late to turn things around. Those assuming key narcotics jobs in the State Department have long experience with drug issues and could provide a needed boost to antidrug efforts.

Our recommendation: President Clinton should schedule the next drug summit. Of course, he should consult privately with the Andean Governments on the details, but Clinton has to take the initiative. The Administration might even consider making this summit inclusive of the entire Western Hemisphere. Such an event would get the Administration and the world to focus on the challenges posed by the burgeoning global narcotics trade.

In the words of Brookings narcotics expert Stephen Flynn "a national war on drugs makes as much sense as a national war on ozone depletion." Every government, including America's, must find the will and the resources to combat both the foreign and domestic elements of the drug problem.

#### **AUTHORIZING A CALIFORNIA URBAN ENVIRONMENTAL RE- SEARCH CENTER**

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, November 21, 1993*

Mr. STARK. Mr. Speaker, today I am introducing legislation to authorize the Environmental Protection Agency (EPA) to establish a California Urban Environmental Research and Education Center.

I am honored to be joined in this effort by twelve, bipartisan, California colleagues: Mr. DELLUMS, Ms. PELOSI, Mr. HORN, Mr. LANTOS, Mr. MATSUI, Mr. MILLER, Mr. HAMBURG, Mr. GALLEGLY, Mr. FAZIO, Ms. WOOLSEY, Mr. MINETA, and Ms. ESHOO.

This center would bring the considerable research and technical expertise of California's universities to bear on the employment and environmental challenges of California's base closures and defense conversion. Among other activities, the center would:

Seek alternative uses for closed military installations and facilities;

Encourage the transfer of Government technology to the private sector;

Coordinate CSU and UC research on California's environment;

Assist small businesses in meeting environmental regulations;

Foster public-private partnerships to solve environmental problems;

Hold conferences on defense conversion, ecology, and economic development;

Develop educational curricula, fellowships, and grant programs for colleges and universities; and

Advise State and Federal policymakers on the economic and environmental implications of development.

The program would be initially managed by representatives from five California State University (CSU) campuses—Hayward, Sacramento, San Francisco, Sonoma, and San Jose. Within 2 years it would expand to include all public and private universities interested in participating. Each member university would have representation on the governing board. The center priorities will include involving the University of California and CSU campuses throughout California.

The center's initial office will be located in northern California, near the five campuses which have already committed to the effort. However, the center's work will be statewide from the start, and the board of governors are directed to establish within 2 years an office in southern California, convenient to the member universities.

This bill authorizes \$2.5 million for 1995 and such sums as necessary for 1996–99; it does not require new appropriations. This funding could come from the EPA's Office of Research Development which received a 4.9 percent—\$15 million—budget increase this year. The ORD already funds nine other research centers, none of which have this distinctive, defense conversion focus, and none of which are located in California, which bore 40 percent of the recent defense cutbacks and base closures.

CSU, Hayward will act as the initial fiscal agent and will guarantee a 20-percent match of the Federal funds provided. The center is required to leverage additional contributions from the State government, the private sector, and the member universities.

I hope my colleagues will help California with its defense conversion by becoming an original cosponsor of this important legislation.

#### **INTRODUCTION OF H.R. 3599**

**HON. LYNN SCHENK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, November 21, 1993*

Ms. SCHENK. Mr. Speaker, I rise today to inform my colleagues about a piece of legislation which I have introduced, H.R. 3599. As we all know, recent and necessary regulation to protect dolphins has placed a burden and responsibility on the U.S. tuna fishing industry. This regulation has been successful in protecting marine mammals, and the U.S. industry has worked hard to comply. This compliance has, of course, come at a price.

In the other body, Senator JOHN BREAUX of Louisiana has taken notice of the industry's difficulty and introduced legislation which will help U.S. tuna vessels to leave the eastern

Pacific and fish in other waters where tuna and dolphins do not swim in tandem. H.R. 3599 is a companion bill to Senator BREAUX's bill, and I am happy to follow the Senator's lead by introducing this bill in the House.

One of the difficulties an American tuna fisherman confronts when trying to move operations to a new fishery is that many of those fisheries are in the waters of other Nations, and their laws prohibit fishing by foreign flagged vessels. This legislation allows the U.S. owner of a U.S.-registered tuna fishing vessel acquired, constructed, or reconstructed with money from that person's capital construction fund account to transfer the registry of the vessel to a foreign flag without the tax liability the owner would normally incur. The vessel must continue to be owned and operated, directly or indirectly, by an American. The vessel must be operated in compliance with the Marine Mammal Protection Act, and the vessel would be required to comply with all other requirements of participation in the capital construction fund.

This legislation helps to strike an appropriate balance between the conservation of precious natural resources and maintaining an important fishing industry.

Again, I want to commend Senator BREAUX for his hard work and leadership on this issue. I ask unanimous consent that the text of H.R. 3599 be included in the RECORD immediately after this statement, and I urge my colleagues' support for this bill.

H.R. 3599

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. TRANSFER OF REGISTRY FOR CERTAIN FISHING VESSELS.**

(a) IN GENERAL.—The transfer of registry of a tuna fishing vessel which is an agreement vessel documented under the laws of the United States to foreign registry shall not be treated, for purposes of the Merchant Marine Act, 1936, or any other law of the United States, as—

- (1) a disposition of such vessel, or
- (2) a failure to meet any substantial obligation under an agreement entered into between the owner or operator of the vessel and the Secretary.

if the vessel continues to be owned, directly or indirectly, by a United States person and to be operated in compliance with the first section 307 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1417).

(b) DEFINITIONS.—For purposes of this section—

(1) any term defined in section 607(k) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1177(k)) that is used in this section shall have the meaning given that term in that section; and

(2) the term "United States person" has the meaning given that term in section 7701(a)(30) of the Internal Revenue Code of 1986 (26 U.S.C. 7701(a)(30)).

(c) EFFECTIVE DATE.—This section shall apply to any transfer of registry effected before January 1, 1996.



**A BILL TO AMEND THE ALASKA  
NATIVE CLAIMS SETTLEMENT  
ACT, AND FOR OTHER PURPOSES**

**HON. DON YOUNG**

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, November 21, 1993*

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce a bill to amend the Alaska Native Claims Settlement Act of 1971 at the request of the Alaska Federation of Natives. This bill is the result of the work of the Legislative Council of the Alaska Federation of Natives to correct existing technical problems with the Alaska Native Claims Settlement Act [ANCSA] and the Alaska National Interest Lands Conservation Act [ANILCA]. I am introducing the bill at the end of this session to start the review process by, and to receive the input of, the State of Alaska, various Federal agencies, Native entities and individuals affected by this bill. It is important that all interested parties understand that this is a beginning point for this process. I fully expect the input process to refine and expand the legislation, and invite such input.

I have discussed this bill briefly with Chairman MILLER of the Natural Resources Committee and he has expressed his interest in working with me, the Alaska Federation of Natives, the State of Alaska, Departments of Agriculture and Interior and other agencies affected by this bill to resolve any differences we may have with specific provisions in the bill. Further, we look forward to receiving further suggestions for additions to this package and working with Alaska Senators TED STEVENS and FRANK MURKOWSKI to perfect the package. Ultimately, it is our intention to investigate and resolve controversial provisions which would prevent final passage of this bill.

This bill makes a number of technical changes to ANCSA and ANILCA. It also makes a number of substantive additions which address issues not anticipated at the time of passage of ANCSA. Because of Alaska's relative youth as a State of the Union and the unprecedented amount of Alaska-specific Federal legislation passed since statehood, it is imperative that we respond to occasional oversights and/or quirks in the overlapping laws to ensure that unintended consequences do not occur. This effort is designed to rectify such instances.

As the legislation is designed to resolve specific problems, it contains many individual provisions, and will probably contain more as a result of the hearing and input process. To offer a flavor of the nature of the legislation, a few illustrations are in order.

For example, the bill would make it possible for the Caswell and Montana Creek Native groups to receive approximately 11,520 acres of land pursuant to a February 3, 1976, agreement and subsequent March 26, 1992, letter of agreement with Cook Inlet Region Inc. [CIRI]. This will fulfill their land entitlement from CIRI under the ANCSA.

Another provision would relieve ANCSA corporations of liability for hazardous wastes or contaminants left in, or on, ANCSA lands prior to their conveyance to Native corporations. It also directs the Secretary of the Interior to re-

move all contaminants left by the United States, an agent of the United States, or lessees prior to conveyance of these lands to the Native corporations. In some instances, the Government has conveyed lands and property interests to Alaska Natives which have been rendered valueless because of such contamination. It was clearly not the intention of ANCSA to extinguish Native claims by conveying contaminated property to recipients.

The Chugach Alaska Kageet Point land selection provision would allow Chugach Alaska Native Corp. to select a specific tract of land at the edge of its own current boundaries.

Mr. Speaker, I offer this bill at this time to begin the process of reviewing each of these important provisions and others which affect Alaskans. I welcome input to add to, subtract from, and amend this proposal so that a non-controversial substitute may be offered next year.

**SOLAR CAR CONTINUES TO PROVE  
ITSELF**

**HON. JAY KIM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, November 21, 1993*

Mr. KIM. Mr. Speaker, I would like to bring to my colleagues' attention the continuing accomplishments of the Cal Poly Pomona's solar energy team.

Despite very difficult conditions, including 4 grueling days in Australia's outback, Cal Poly Pomona's solar car, the Intrepid, finished the World Solar Challenge as the best car in North America and the top United States car.

Clearly, Cal Poly is proving that harnessing solar energy, even for transportation, is not only possible but efficient and practical. The Intrepid completed the 1,900-mile course with a personal best of 47.4 hours at an average speed of 63.64 kilometers per hour, placing it eighth overall. That's ahead of all other American teams. And, while others like Japan's Honda Dream may have finished ahead of Intrepid, they also spent a great deal more money. Cal Poly Pomona's certainly got more mileage for the money.

The student-built and operated Intrepid is a quality demonstrator that continues to push the limits of current solar technology. The efforts of these pioneers are to be recognized and commended.

I know that we can expect even greater future accomplishments from Pomona's solar energy team, and I look forward to their next important milestone in developing new alternative forms of transportation.

**HAPPY 80TH BIRTHDAY TO  
FORMER CONGRESSMAN PAUL A.  
FINO**

**HON. DAVID A. LEVY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Sunday, November 21, 1993*

Mr. LEVY. Mr. Speaker, it is with great pride and pleasure that I rise today to honor a

former Member of this body on the occasion of his 80th birthday.

Mr. Speaker, my constituent, former Congressman Paul A. Fino, has dedicated his life to public service in a career which spanned four decades. From his election to the New York State Senate in 1944, his tenure as Civil Service Commissioner of the city of New York, his service as a distinguished member of this body, to his appointment as a justice of the New York State Supreme Court, Congressman Fino consistently demonstrated the fundamental qualities of a true leader: Hard work, honesty, a commitment to integrity and a willingness to make tough political choices.

Throughout his years in the House of Representatives where he served as chairman of the New York State Republican delegation, Congressman Fino was widely known as a tireless advocate of the little guy. Despite his prominence in this body and on the national and State political scenes, Congressman Fino never strayed from his roots. Known as the Bronx's Mr. Republican, Congressman Fino always remembered and fought for the issues that were important to those to whom he dedicated his career and, throughout the years, Congressman Fino managed to touch the lives of many of the people of New York's 25th Congressional District.

Somewhere in this great Nation there walk 150 middle-aged men who can cite one of many examples of how Congressman Fino touched the lives of his constituents. You see, these middle-aged men many years ago, as boys, played little league baseball in the Bronx. But in 1955 when these young boys of the Bronx were 10 years old and eager to partake in America's beloved pastime, they were told that there would be no baseball in the Bronx that summer because the city of New York was unable to provide a field on which to play. Congressman Fino refused to allow a part of the childhood of each of these boys to be taken from them. So with his usual vigor and tenacity, Congressman Fino marched up to the powers that be in New York and less than a month later, a baseball diamond was installed at Pelham Bay Park. One small gesture yes, but surely a feat of magnanimous proportion to those 10-year-old boys of the Bronx and the men they have become. This is but one of the hundreds, probably thousands, of examples of the importance Congressman Fino placed on the needs of his constituents, even those too young to vote.

During his time in the House, Congressman Fino's political skills were unquestioned. Election after election he surmounted incredible odds and won reelection to the House. Congressman Fino was elected to the House eight times despite the fact that voter registration in his district was 3 to 1 against him. After 16 years in the House, Congressman Fino retired in 1968 to become a justice of New York's Supreme Court. Upon his retirement, then minority leader, Gerald Ford, remarked: "Above all, Paul Fino has been an advocate of the little people-working man, the civil servant and the elderly. He can look back with satisfaction on his eight terms in the House of Representatives for his has been a strong record in the civil service, labor, and housing field." Ford went on to add " \* \* \* the House of Representatives will lose some of its spark and fire with

the departure of Paul Fino, a stand-up political fighter, a real sock-it-to-'em guy."

Today, Congressman Fino resides in Atlantic Beach, Long Island, a small town in the western portion of my district. Although he is now retired from public service, he continues to be active in many local civic and charitable organizations. He has been a devoted husband to his wife Esther for over 50 years and he is proud father of two and grandfather of five. Mr. Speaker, it is truly a privilege and an honor to wish Congressman Fino a very happy and healthy 80th birthday.

#### CONGRATULATIONS TO BELLA VISTA LODGE FOR 25 YEARS OF COMMUNITY SERVICE

##### HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 21, 1993

Mr. SANTORUM. Mr. Speaker, it is a great pleasure, and an honor, as an Italian-American to take this opportunity to pay tribute to a most deserving community group on the occasion of its 25th year of service.

On December 1, 1968, James D. Trovato, Domenic Ross, along with Alvina Trovato and Sandra Collura, received a charter to form one of the most energetic and spirited lodges of the Italian Sons and Daughters of America. It is a lodge of which I am proud to be a member.

Bella Vista Lodge #253 is a Fraternal order which actively celebrates its Italian heritage. Jim Trovato has served as president and Sandra Collura as financial secretary for 25 years. Beginning with 100 members and growing to over 350 members to date, lodge members participate in many philanthropic works. For example, the lodge's program of adopting a seniors residence in Brookline, PA, is one of the finest examples of community outreach to be found anywhere. Lodge members make seasonal visitations to seniors, bringing small gifts and welcoming the residents to be guests of the lodge for their dinner meetings.

The lodge works to help friends and relatives in their time of need, whether that need be financial or emotional. The lodge has also created a scholarship program for all youth members attending college. During Christmas time, members entertain the children, and if a member is sick or hospitalized, the lodge is there to help with greetings and a gift.

As our Bella Vista Lodge celebrates its 25th year of service to the community and preservation of Italian heritage, I congratulate its members for their past achievements, and encourage a continued dedication to community service, and honor for the Italian-American cultural identity.

#### KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

##### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 21, 1993

Mr. TRAFICANT. Mr. Speaker, as part of my continuing efforts to bring to light all the

facts in the case of former Immigration and Naturalization Service agent Joseph Occhipinti, I submit into the RECORD additional key evidence in this case.

#### KEY DOCUMENTS

##### SOURCE E

a. The source is an executive board member of the Federation who was previously arrested and convicted through the enforcement efforts of officer Occhipinti. The source confirmed in a consensually monitored conversation that based on personal knowledge, it was Simon Diaz who formulated the case against officer Occhipinti.

##### NEW YORK POST INVESTIGATION

a. I read articles published in the New York Post by investigative reporter Mike McAllary in which he conducted an in depth investigation into officer Occhipinti's case. Mr. McAllary confirmed the Federation set up conspiracy. The investigation alleged that the Federation used its political influence within the Dinkins Administration to have officer Occhipinti selectively prosecuted. The investigation implicated Federation Vice President Erasmo Taveras in the set-up conspiracy. Mr. Taveras, the owner of many currency exchange houses in the Dominican Republic and New York City, was recently convicted in the State of New York for the illegal wire transfers of 70 million Dollars. According to the Post and New York Times the New York State Attorney General also implicated Mr. Taveras in loan sharking activity. Exhibit "J"

##### JOURNALIST TEO RODRIGUEZ

a. Mr. Rodriguez, an independent Hispanic journalist covering officer Occhipinti's trial, admitted to me that his sources have confirmed the existence of the Federations set up conspiracy. Moreover, one of his sources confirm that complainant Jose Liberato is the reputed drug lord of the CIBAO DRUG CARTEL, which allegedly uses juveniles in his drug trafficking activity.

b. Mr. Rodriguez' sources confirm that complainant Rene Suarez, is the kingpin of a major Cuban gambling operation. In fact, when Mr. Suarez testified at trial he was accompanied by a major Cuban organized crime figure.

c. Mr. Rodriguez stated that due to the political and economic power of the Federation, he was stopped from publishing his article which was favorable to officer Occhipinti.

d. Mr. Rodriguez stated that he saw first hand many of the prosecutorial abuses in the court room.

e. Mr. Rodriguez stated that his sources are afraid of testifying to the above in fear of retaliation.

##### JOURNALIST MANUEL DE DIOS

a. Mr. De Dios, a Spanish journalist with an expertise in Dominican organized crime admitted that his investigation and source interviews confirmed the existence of the "set-up" conspiracy and the Federation involvement in criminal activity.

b. Mr. De Dios stated that after he had published his newspaper articles which exposed the set up conspiracy and the Federations involvement in criminal activities, he received death threats. In addition, he alleges that the Federation attempted to put him out of business via a boycott of his newspapers by Federation merchants. It should be noted that the Federation conducted a similar boycott against the New York Post in retaliation of the McAllary articles.

c. Mr. De Dios alleged that one of his sources is a Dominican merchant heavily in-

debted to complainant Jose Liberato, a known loan shark. The source has allegedly defaulted on the loan and is in fear of assassination. Exhibit "K"

d. Mr. De Dios alleged that he has evidence that many of the staff members of the El Diario Newspaper are allegedly involved with Drug trafficking activity with the Federation. It should be noted that El Diario publicly claimed credit for officer Occhipinti's conviction since it was their articles that exposed the Federations allegations.

e. Mr. De Dios agreed to cooperate with any Justice Department and/or Congressional investigation.

##### CONFIDENTIAL POLICE SOURCE

a. In a transcript of a consensually monitored conversation, I read an exchange between a confidential police official and officer Occhipinti. The police officer confirmed through the intelligence community that officer Occhipinti was intentionally set up through the efforts of certain Dominican organized crime figures. The source alleged the principal co-conspirator was Pedro Alegria, the former Minister of Tourism to the Dominican Republic. The source alleges Mr. Alegria has reputed ties to the Colombian drugs cartel and the Federation. The source alleged that officer Occhipinti was set up because his enforcement activities was hurting Dominican organized crime operations. The source also alleged that the same cartel was successful in 1988 in closing down a major US Customs drug trafficking and money laundering investigation.

The Customs case number for this investigation was NY02AR8NY003. It should be noted that this case was allegedly implicated in the failed BCCI bank scandal.

##### CONCLUSION

It would be criminal to allow the system and those who misuse its processes to convict with impunity a law enforcement officer with the brilliant record of officer Occhipinti. It is clear from the voluminous pieces of materials and newly developed evidence of the conspiracy described herein, that the appropriate legal investigatory bodies conduct an immediate investigation. This investigation was requested by over 300 major police organizations, civil rights organizations and elected officials nationwide, however, was callously denied by the Justice Department. It is speculated that the Justice Department's decision was based upon erroneous conclusions drawn from the Southern District of New York, where we allege prosecutorial misconduct.

It is my duty as an officer of the court to respectfully request that a hearing be ordered by the Second Circuit Court of Appeals into this matter. Secondly I urge the Congress of the United States and the United States Senate conduct an appropriate investigation into this travesty of justice.

ANGEL NUNEZ, Esq.

STATE OF NEW YORK,  
County of New York, ss:

Richard L. Callaghan being duly sworn deposes and says:

1. I currently reside at \* \* \*

2. I am presently the President of the Federal Agents Policemen's Benevolent Association (PBA) Local 121, a fraternal police association representing Federal Agents in the New Jersey Tri-State area. I am a retired federal agent and senior criminal investigator.

3. On May 20, 1992 at approximately 4:20 PM I interviewed Jaime Caba, the owner of The



Broadway Deli located at 3750 Broadway, New York, New York. I identified myself as working for Joseph Occhipinti and specifically not for the government.

4. During the interview he acknowledged that on March 27, 1990 at approximately 4:10 PM he was interviewed by Joseph Occhipinti regarding the fact that he had been in a travel agency operated by Reymundo Tejeda, A26-164-013. While Agent Occhipinti and Agent Williams were in the Uptown travel agency seizing various pieces of fraudulent documents Caba was observed in the travel agency. Occhipinti and Williams subsequently interviewed Caba on March 27, 1990 at his deli.

5. Mr. Caba advised me that Agent Occhipinti identified himself and asked for documentation. At the time he asked for the identification, Agent Occhipinti secured the front door. Caba said he was courteous at all times, that Agent Occhipinti asked and received a consent of search.

6. He stated to me that there were large sums of money on the premises that were for cash payments for deliveries of Pepsi Cola and other goods. Agent Occhipinti was courteous and made no attempt to seize any money. No contraband was found.

7. Mr. Caba is a former police officer in the Dominican Republic and fully understood what Agent Occhipinti was doing and was more than willing to cooperate. Although he was annoyed that the front door was locked, he, being a former police officer, understood that it was proper procedure to lock the door.

8. He stated to me that at no time did he complain to anyone that his civil rights had been violated. He was interviewed by investigators and an attorney from the Southern District of New York. He refused to press charges and he refused to go to the Southern District to testify. He also indicated to me that he would be more than happy to testify on Agent Occhipinti's behalf.

RICHARD L. CALLAGHAN,

STATE OF NEW YORK,  
County of New York, ss:

Richard L. Callaghan being duly sworn deposes and says:

1. I currently reside at \* \* \*

2. I am presently the President of the Federal Agents Policemen's Benevolent Association (PBA) Local 121, a fraternal police association representing Federal Agents in the New Jersey Tri-State area. I am a retired federal agent and senior criminal investigator.

3. May 20, 1992 at approximately 3:00 PM I interviewed Yehye Abuzaid, legal permanent resident, no. A 382131351. I identified myself as working specifically for Mr. Occhipinti and not the Government. Mr. Abuzaid is the owner of the Uptown Deli and Grocery located at 82 West 125th Street, New York, New York.

4. In reference to an interview by former Agent Joseph Occhipinti on March 28, 1989 at 6:55 PM subject acknowledged the interview of March 28, 1989. He stated that Agent Occhipinti, accompanied by two other agents, identified themselves and asked if he had his Immigration Identification. He indicated that he did not. Mr. Abuzaid was handcuffed until the agents could verify that he was a legal alien.

5. The agents requested and received a consent to search the premises for illegal aliens and contraband. They located a locked safe in the back store room. Mr. Abuzaid indicated that the safe was not his and that he had no idea what was inside the safe. He gave

permission to Agent Occhipinti to obtain assistance in opening the safe. Agent Occhipinti contacted NYCPD Emergency Service who arrived at the location, verified with the subject that the safe was not his and that they had permission to open it which they did. The safe was empty.

6. The Government alleges that two agents accompanying Agent Occhipinti left the premises rather than witness the opening of the safe. The two agents subsequently allege that they located the business that they were looking for at 290 Malcolm X Boulevard on their own. I asked Mr. Abuzaid if that were true. Mr. Abuzaid indicated to me that he advised the agents that he was the owner of the location of 290 Malcolm X Boulevard and that he told the two accompanying agents the location. He further advised the agents that he had sold the premises and that he was aware there was illegal activity taking place on that premises.

7. When questioning Mr. Abuzaid as to whether he felt his civil rights were violated, he answered in the negative. He stated that he had voluntarily signed a consent to search form prior to any search conducted by Agent Occhipinti.

8. He also stated that the United States Attorneys Office contacted him to give statements and testimony on two different occasions. He indicated that he refused both requests.

RICHARD L. CALLAGHAN,

AFFIDAVIT

STATE OF NEW YORK,  
County of Richmond, ss:

Ray Hagemann, being duly sworn, deposes and states:

1. I am presently employed by Staten Island Borough President Guy V. Molinari. On or about October 1991 I was designated as one of three chief investigators in order to investigate the prosecution and conviction of former Federal Agent Joseph Occhipinti for civil rights and related violations. The purpose of the investigation was to ascertain if Mr. Occhipinti's conviction was the result of a well orchestrated conspiracy by the Dominican drug lords he was investigating. Moreover, to ascertain if any prosecutorial, political or judicial misconduct occurred during his prosecution that prevented Mr. Occhipinti from receiving a fair trial.

2. I was designated as a chief investigator because of my prior training, experience and employment as a Federal Agent for the United States Departments of Justice and the Treasury and U.S. Small Business Administration.

3. My (post conviction) investigation clearly disclosed overwhelming, credible and undisputed evidence and witnesses providing the alleged drug cartel conspiracy. In addition, the cartel peddled its political influence to have Mr. Occhipinti selectively prosecuted through the efforts of New York City Mayor Dinkins and others. During the prosecution, there were numerous, well documented instances of prosecutorial and judicial misconduct which were referred to the United States Department of Justice, Office of Professional Responsibility. Investigation further disclosed evidence that the majority of the Governments' chief witnesses (Dominican merchants) who were portrayed as "law abiding" are in fact involved in ongoing, organized crime activity. This evidence was referred to the U.S. Department of Justice, but unfortunately, as part of a cover-up they blatantly refused to investigate the allegations. In view of these alleged improprieties, the Office of Special Counsel has agreed to con-

duct a preliminary investigation into the alleged conspiracy and cover-up by the Justice Department. Investigation also disclosed the real possibility that the foregoing witnesses and informants may be in imminent danger of assassination due to their cooperation and potential court testimony.

(1) As part of my investigation I interviewed potential witnesses, and others who had information that was not available to the defendant, Joe Occhipinti at or before his trial.

(2) I discovered that S.D.N.Y. Prosecutors filed one original and two superseding indictments. The reason for the second superseding indictment was that prosecutors discovered that a witness against Joe Occhipinti committed perjury. This count was dropped and prosecutors took no action against the individual who committed perjury (Richard Knipping). I discovered that David Lawrence Deputy Chief of Criminal Division SDNY had encouraged Joe Occhipinti to actually commit civil rights violations in Project Red Eye which preceded Project Bodega (summer 1989). My memo dated 12/27/91.

(3) In early 1992 I became acquainted with a C.I. who informed me that he had personal contact and dealings with Jose Liberato, Elias Taveras, Leonides Liberato, Jose Prado and Altagracia Crucey who were chief prosecution witnesses against Joe Occhipinti. At my direction this C.I. initiated a series of undercover discussions with Elias Taveras and Jose Prado to learn if they testified truthfully against Joe Occhipinti. This C.I. was able to record certain conversations with Elias Taveras and Jose Prado in Spanish. These conversations indicated that Mr. Taveras and Mr. Prado lied in the Grand Jury and Trial. Affidavits dated 4/21/92 and 6/1/92.

(4) In order to verify the authenticity of one of the taped conversations between C.I. #1 and Mr. Taveras I engaged the services of a voice analysis expert, Tom Owen and under scientifically controlled conditions Mr. Owen stated "similarities do exist between the voice on the unknown tape and the voices on control 1 & 2. Pitch, quality, mannerisms and accent are similar." C.I. #1 also provided me with a tape of a conversation he had with Jose Prado in which Mr. Prado admitted he received \$35,000 to falsely testify against Joe Occhipinti. Mr. Prado also implicated Jose Liberato, Altagracia Crucey, Rhadames Liberato and "a few others" in giving false testimony at the trial of Joe Occhipinti. C.I. #1 also related in affidavit form a conversation with Jose Liberato in which Mr. Liberato admitted he falsely testified against Jose Occhipinti in court. The affidavit is dated April 21, 1992.

(5) I also interviewed other people who gave affidavits that either directly or indirectly confirm the fact that Jose Occhipinti was convicted of civil rights charges based on perjurious testimony by many of the chief prosecution witnesses. I have attached these affidavits to my affirmation.

#### DEFENSE WITNESSES AND INFORMANTS WHO EXECUTED AFFIDAVITS

1. Dr. Angel Nunez, Attorney at Law. Evidence of drug cartel conspiracy.

2. Manuel De Dios, Journalist. Evidence of drug cartel conspiracy. Affiant was assassinated by reputed drug lords.

3. Richard Callaghan (Former Federal Agent). Evidence that complainant Rene Suarez submitted to the court forged documents & committed perjury.

4. Source A (HR). Evidence that the majority of the complainants are involved in ongoing organized crime activity (confirms motive for conspiracy & trial perjury).

5. Source B (AC). Evidence of conspiracy implicating the law offices of Aranda & Guttlein. Evidence of prosecutorial misconduct (failure to turn over exculpatory evidence).

6. Source C (RA). Evidence of the conspiracy & prosecutorial misconduct.

7. Source D (HN). Evidence of conspiracy.

8. Source E (PN). Evidence of conspiracy & perjury implicating complainants Reymundo Tejada, Nury Brito & others, supported by consensually monitored tapes.

9. Source F (VL). Evidence of prosecutorial misconduct (supported by consensually monitored tapes). Evidence of conspiracy implicating complainants Jose Liberato.

#### DEFENSE WITNESSES AND INFORMANTS

1. Lenny Lemer: An independent DEA Task Force investigation by this source uncovered documentary evidence of the conspiracy, S/A Jarret (FBI) and AUSA Valerie Cabroni (EDNY) debriefed the source.

2. Lou DellaPizzi: An investigation by the Manhattan District Attorney disclosed that Attorney Aranda attempted to frame the source on fabricated civil rights charges (similar to the Occhipinti case. (An indictment is expected).

3. Source L (CB): Evidence of conspiracy implicating complainant Jose Liberato.

Evidence of ongoing organized activity implicating complainants. A video statement was taken from the source. The source was debriefed by FBI S/A Lionel Baron, and other law enforcement agencies.

4. Source M (C): An Internal Affairs undercover bribery corruption investigation has implicated complainant Leonidas Liberato-Checo (Medina Grocery) for bribery of public officials. The bribes were intended for police protection of the Liberato-Checo gambling operation. Mr. Occhipinti has assisted the Checo crime syndicate. Criminal arrests are expected. The IAD investigation proves the conspiracy motives to frame Occhipinti after he turned down attempted bribes and continued in his enforcement efforts.

5. S/A Lionel Baron: This FBI Agent has interviewed sources relative to the Occhipinti conspiracy, in addition, He recruited confidential informants to do continued undercover work for the FBI, which never materialized. The agent formally advised me that it was paramount for the defense to get access to his investigative files under FOIA. We are formally refused by the FBI access to S/A Baron's reports, which we know contain exculpatory evidence of Mr. Occhipinti's innocence.

6. S/A John McAllister: This agent provided testimony that government witness S/A Ng gave perjured testimony against Mr. Occhipinti. Moreover, he reported the perjury to the U.S. Attorney who failed to investigate it or notify the defense.

7. Source G: There are two consensually monitored taped conversations where complainants Jose Prado & Elias Taveras admitted bribes were paid by complainant Liberato to certain prosecution witnesses to provide perjured testimony. Attached as exhibits "V" and "W" are copies of the transcript. In addition, attached as exhibit "X" is an independent forensic expert report confirming the voice authenticity on one of the tapes.

8. James Fox, Asst. Dir.: Mr. Fox has publicly confirmed that an FBI investigation had uncovered an exculpatory evidence that may prove Mr. Occhipinti's innocence. Moreover, he publicly told certain law enforcement sources that Mr. Occhipinti deserves a new trial.

On April 30, 1992 I participated in a video taped debriefing of Alma Camarena, a former employee of the said firm of Aranda & Guttlein. This debriefing indicated the beginning of a conspiracy by these attorneys to frame Joe Occhipinti on false charges because he was a problem to several of their clients. I also participated in video taped debriefing of other witnesses who provided evidence of a conspiracy to file false charges against Joe Occhipinti (a list is attached).

In spring 1992 I worked with a team of investigative reporters from the T.V. show "Inside Edition". This work was incorporated into a 1/2 hour show shown nationally. The highlight of the show was Mr. Taveras admission on camera, that he gave false testimony against Joe Occhipinti. I interviewed FBI Lionel Baron by telephone as to his role in investigating the Joe Occhipinti case. I asked Mr. Baron if he ever "unofficially" investigated the case because it was my information that the FBI did not investigate this case until the summer of 1992 after Joe Occhipinti was in prison. Mr. Baron indicated he did investigate this matter and stated that he "was not allowed as an FBI agent to unofficially investigate these matters". He strongly urged me to seek FBI records through the F.O.I. Act method. To my knowledge the FBI has never released any information to anyone about the Joe Occhipinti case in spite of the fact that they may have information directly relevant to the proof of Mr. Occhipinti's innocence.

I also interviewed FBI agent Ron Davis in early 1992 regarding prosecution witness Raymundo Tejada. Mr. Davis confirmed to me that Mr. Tejada a major prosecution witness against Joe Occhipinti, is now a fugitive from federal prosecution for crimes committed by him out of his travel agency before, during and after the trial of Joe Occhipinti. Mr. Tejada was given immunity from prosecution for his testimony at the trial of Joe Occhipinti.

The FBI was directed by the Justice Department to investigate the Occhipinti case in the summer of 1992 after Mr. Occhipinti was imprisoned. The FBI investigation was flawed in many ways including the administration of Lie Detector Tests to confidential informants working with me. On August 4, 1992 I personally delivered C.I. #1 to the FBI for a lie detector test and was subsequently informed that the C.I. failed this test. I have an affidavit (attached) from the C.I. dated 8/11/92 that indicates the test was improperly administered and the result is invalid. In May of 1993 I was informed by N.Y.C. Police Department Internal Affairs officers that they were involved in an investigation that involved Bodegas and witnesses in the Joe Occhipinti case. I was informed that bribes had been paid to undercover police officers in order to protect illegal activities at 1502 St. Nicholas Avenue and other locations. This verifies Mr. Occhipinti's original claim that these Bodegas were involved in illegal activity. This investigation is ongoing.

The source confirmed that Mr. Occhipinti's trial Attorney had visible psychiatric and suicidal tendencies one week prior to the Occhipinti trial. That testimony was corroborated by ADA. We also possess hospitalization and police reports to confirm the same. Clearly, that documentary evidence confirmed the fact Mr. Occhipinti never received a fair trial and draws to light alleged prosecutorial and judicial misconduct.

Miscellaneous evidence uncovered by the investigation

(1) The reinvestigation of the Occhipinti prosecution by the FBI intentionally

stonewalled credible exculpatory witnesses and evidence. That matter has been referred to appropriate investigative and Congressional bodies.

(2) Investigation clearly disclosed overwhelming evidence that Mr. Occhipinti had at trial ineffective assistance to counsel.

(3) To be prepared.

In conclusion. The investigation clearly disclosed credible undisputed and compelling evidence of the drug cartel conspiracy against Mr. Occhipinti. Moreover evidence of an alleged Justice Department coverup of the evidence and prosecutorial "criminal" misconduct.

RAY HAGEMANN.

#### SALUTING JUNIOR ACHIEVEMENT OF DECATUR

#### HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 21, 1993

Mr. POSHARD. Mr. Speaker, I rise today to draw the attention of my colleagues to some special students from Macon County, IL.

In 2 weeks, students from 10 different Macon County high schools will spend the day preparing for the future. These students have been selected by Junior Achievement of Decatur to participate in a special program called Running the U.S. Economy. Divided into teams and using a sophisticated computer system, the students will compete at balancing the budget by controlling Government spending, the money supply and tax rates—while limiting the impact of their policy decisions.

Sponsored by Illinois Power and Decatur Advantage, the competition is a unique way to orient students to elements of our national economy; to increase their understanding of inflation, unemployment, interest rates, consumer spending, the balance of trade, and Government taxing policy.

Mr. Speaker, these are issues we strive every day to wisely address. I am proud that students from the 19th Congressional District are preparing now for the day when they will be called upon to confront these challenges as leaders in our communities.

I extend my best wishes to the participating students and teachers of Mt. Zion, Blue Mound, Decatur Eisenhower, Decatur MacArthur, Stephen Decatur, Macon, Maroa-Forsyth, Niantic-Harristown, St. Theresa, and Warrensburg-Latham.

#### VOTE "NO" ON PENNY-KASICH

#### HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 21, 1993

Mr. SABO. Mr. Speaker, the Budget Committee has already received letters of opposition to the Penny-Kasich amendment from 138 groups. The diversity of letters is striking. We have heard from veterans groups, major health organizations, State and local government, elderly groups, labor, university and other education and research organizations, child welfare advocates, arts and humanity organizations, and many more.



These letters again and again underscore the same negative features of the Penny-Kasich amendment which are:

The amendment proposes \$34 billion in new Medicare cuts which threaten the President's health care reform proposals and which represent a piecemeal approach to health reform. The proposals are unfair to elderly and disabled Medicare recipients. These cuts have been proposed through an ad hoc procedure, without the intense scrutiny and debate necessary for such far-reaching legislative changes.

Discretionary spending is not the cause of our deficit problem. Under current law it is subjected to an unprecedented hard outlay freeze through 1998.

The amendment reduces the discretionary caps by an additional \$42.5 billion and could harm priority education, health, research and development, physical investment, basic Government operations, social services, and State and local assistance programs.

These reductions below the existing caps may also compromise forthcoming welfare reform, job training expansion, anticrime legislation, and other key investment proposals.

The amendment proposes significant policy changes which simply have not been subjected to vigorous analysis and debate. Examples abound, from the \$34 billion in Medicare cuts, to the creation of a new Department of Science, to the termination of the Department of Commerce.

There are probably many citizens and public interest groups who wonder if anyone ever listens to them or reads the letters they send. I want to cite some of the important issues raised by the 138 organizations who have contacted us.

**Medicare:** The equity and efficacy of the Medicare cuts are questioned over and over again. These cuts would come on top of the \$56 billion in Medicare cuts in OBRA 1993 and the \$43 billion in 1990. Last summer when we approved the latest round of Medicare reductions, we agreed to forestall even deeper cuts because they would be needed to help pay for whatever health care reform plan that is enacted next year. Use of these savings for deficit reduction now sabotages chances for health reform. This truly is ironic because health care spending is what is driving our long-term deficit, and without comprehensive health reform we will never be able to bring that deficit under control.

Furthermore, the Medicare reductions are unfair and inequitable to senior citizens. The Penny-Kasich proposal to relate Medicare premiums to income would require some seniors and disabled persons to pay more in premiums than the cost of the services that they receive. Can this be fair? The Penny-Kasich plan proposes that Medicare beneficiaries in over 96 percent of the counties in this country pay a nationally determined premium that exceeds the cost of care in their local areas.

**Health programs:** Lowering the discretionary caps would impact adversely on important discretionary public health programs including biomedical and behavioral research, prevention and treatment of diseases like aids, tuberculosis and heart disease, health professions training, and the delivery of health services to some of our Nation's most vulnerable populations—NORA coalition.

**Veterans programs:** The Disabled American Veterans and the American Legion both object to the amendment. The Legion's letter points out that the use of a prospective payment system was tried before and failed and would likely " \* \* \* endanger the quality of patient care given to Veterans."

**Retirement:** The American Legion and the Military Coalition—24 organizations—have informed us that they agree with Secretary of Defense Aspin that the military retirement COLA proposal "would have immense implications for recruiting, retention and morale."

Labor groups have pointed out that raising the retirement age to 65 for new civilian hires is totally out of line with practice in the private sector where 98 percent allow pre-age 65 retirement.

**Head start:** The National Head Start Association states, "this legislation will have an extremely negative impact on the efforts to further Head Start expansion (National Head Start Association)."

**Education:** Education groups have highlighted the threat to chapter 1, the President's Goals 2000 program, Pell grants, and reauthorization of the Elementary and Secondary Education Act. For example, it is estimated that " \* \* \* Over 3 million children who are eligible for chapter 1 services do not receive the supplemental instruction (International Reading Association)." It was pointed out that student loans were reduced by \$4.3 billion in OBRA 1993—Council of Chief State School Officers.

**Science programs:** A multitude of letters object to creating a new Department of Science through consolidating the functions of the Departments of Commerce and Energy, NSF, NASA, and the EPA without appropriate analysis and debate. Other letters cited that the proposal to cap the indirect cost reimbursements for research does not reflect the reforms that have been accomplished in this area.

**State and local governments and unfunded mandates:** As stated by the National League of Cities, the amendment would have the net result of further reducing " \* \* \* the proportion of Federal mandates for which the Federal Government bears any liability or share."

**Low-income housing:** It is argued that proposals to move to an all-voucher program would actually be more expensive in the long run. Additional refutation is raised regarding the termination of operating subsidies for vacant units. This type of information underscores the need for full and in-depth analysis of these proposals—not a rush to judgment in the name of deficit reduction.

These letters present overwhelming objections to both the substance and process involved in a great many of the Penny-Kasich proposals and collectively they urge a no vote on Penny-Kasich. Following is the list of organizations we have heard from.

THE 138 GROUPS OPPOSING PENNY-KASICH  
AIDS Action Council.  
Alliance for Aging Research.  
American Academy of Medicine and Rehabilitation.  
American Arts Alliance.  
American Association for Clinical Chemistry.  
American Association of Bioanalysts.  
American Association of Classified School Employees.

American Association of Colleges for Teacher Education.

American Association of Community Colleges.

American Association of Dental Schools.

American Association of Retired Persons.

American Association of School Administrators.

American Association of State Colleges and Universities.

American Association of University Affiliated Programs for the Developmentally Disabled.

American Association of University Professors.

American Clinical Laboratory Association.

American College of Rheumatology.

American Congress of Rehabilitation Medicine.

American Council on Education.

American Counseling Association.

American Federation of Government Employees.

American Federation of Labor & Congress of Industrial Organizations (AFL-CIO).

American Federation of School Administrators, AFL-CIO.

American Federation of State, County, and Municipal Employees.

American Federation of Teachers, AFL-CIO.

American Foreign Service Association.

American Friends Service Committee.

American Heart Association.

American Legion.

American Library Association.

American Medical Technology.

American Network of Community Option and Resource.

American Nurses Association.

American Planning Association.

American Psychological Association.

American Public Health Association.

American Society for Clinical Laboratory Science.

American Society of Clinical Pathologists.

American State of the Art Prosthetic Association.

American Symphony Orchestra League.

American Vocational Association.

Amputee Coalition of America.

Arts Action Coalition.

Association of Academic Psychiatrists.

Association of Art Museum Directors.

Association of Community College Trustees.

Association of Maternal and Child Health Programs.

Association of Performing Arts Presenters.

Association of Schools of Public Health.

Bread for the World.

California State University.

Career College Association.

Center for Law and Social Policy.

Center on Budget and Policy Priorities.

Center for Women Policy Studies.

Child Welfare League of America.

Children's Defense Fund.

Church Women United.

Clinical Laboratory Management Association.

Coalition on Human Needs.

Coalition for Recreational Trails.

Committee for Education Funding.

Council for Exceptional Children.

Council of Chief State School Officers.

Council of Graduate Schools.

Disabled American Veterans.

Environmental Action.

Epilepsy Foundation of America.

Families USA.

Family Service America.

Food Research & Action Center.

International Reading Association.

International Society of Clinical Laboratory Technicians.  
 International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers, AFL-CIO (IUE).  
 March of Dimes Birth Defects Foundation.  
 Military Coalition.  
 Mon-Valley Unemployed Committee.  
 National Alliance to End Homelessness.  
 National Association of Children's Hospitals and Related Institutions.  
 National Association of College Admission Counselors.  
 National Association of Community Health Centers.  
 National Association of Developmental Disabilities Councils.  
 National Association of Elementary School Principals.  
 National Association of Federally Impacted Schools.  
 National Association of Independent Colleges and Universities.  
 National Association of Protection and Advocacy Systems.  
 National Association of Rehabilitation Facilities.  
 National Association of Rehabilitation Research and Training Centers.  
 National Association of Secondary School Principals.  
 National Association of School Psychologists.  
 National Association of State Boards of Education.  
 National Association of Social Workers.  
 National Association of Private Schools for Exceptional Children.  
 National Coalition for the Homeless.  
 National Community Action Foundation.  
 National Community Development Association.  
 National Community Mental Healthcare Council.  
 National Council of Teachers of Mathematics.  
 National Easter Seal Society.  
 National Education Association.  
 National Family Planning and Reproductive Health Association.  
 National Farmers Union.  
 National Mental Health Association.  
 National Neighborhood Coalition.  
 National Rural Letter Carriers Association.  
 National School Boards Association.  
 National Treasury Employees Union.  
 National Urban League.  
 National Women's Law Center.  
 NETWORK: A Catholic Social Justice Lobby.  
 New York State Board of Regents.  
 New York State Education Department.  
 Nichols Institute.  
 Office of Federal and National Education Issues Advocacy.  
 Office of Superintendent of Public Instruction, Washington State.  
 Opera America.  
 Parent Action.  
 People for the American Way Action Fund.  
 Professional Management Associates Inc.  
 Public Employee Department, AFL-CIO.  
 Puerto Rico Lab Owners Association.  
 Service Employees International Union.  
 The Arc.  
 The College Board.  
 The Human Rights Campaign Fund.  
 The Learning Disabilities Association.

The Pauline Oliverous Foundation Inc.  
 The Retired Officers Association.  
 Theater Communication Group.  
 United Cerebral Palsy Association Inc.  
 US Catholic Conference.  
 US Conference of Mayors.  
 United States Steelworkers.  
 United States Student Association.  
 University of California.  
 Washington State Office of Public Instruction.  
 Women Strike for Peace.  
 YWCA of the USA.

#### TRIBUTE TO MRS. LILLIE BROWN CROWDER

#### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 21, 1993

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to one of South Carolina's outstanding natives, Mrs. Lillie Brown Crowder.

As a young woman, Lillie Crowder left her home in Georgetown, SC, to attend South Carolina State University where she received a bachelor of science degree in architectural engineering in 1958. Armed with the tools and the knowledge of her trade, she returned to Georgetown to teach mechanical drawing at Chopec High School. After 2 years, Lillie's quest for excellence led her to New York City, where she currently resides.

During her tenure at Wilbur Smith & Associates Consulting Engineers, Lillie served as chief draftsman and later garnered the title of junior project engineer. In 1967, she joined the New York City Board of Education school planning and research division as an assistant architect and held various administrative positions at the board through the years. In 1991, she assumed her present position as senior project liaison in the Office of Capital Administration, at the division of school facilities. Currently, Lillie supervises a team of assistant architects and assistant mechanical engineers in developing programs and monitoring the planning phases for the modernization of existing schools and construction of new schools.

In 1982, Lillie received her master of arts degree in urban education/planning from Long Island University. She is certified to teach vocational education and architectural drafting and is licensed to teach architectural drafting in New York City.

The list of her accomplishments and services is long and impressive. As one of the founding members of the Association of Black Women Architects, to her work as a volunteer in emergency admittance at Harlem Hospital, Lillie displays a commitment witnessed by many. It is only appropriate that November 28, has been proclaimed Lillie Brown Crowder Day by the City Council of New York, the borough president of Queens, and the Black American Heritage Foundation.

On behalf of the State of South Carolina, it is indeed an honor to celebrate the achievements of one of our own—Mrs. Lillie Brown Crowder.

#### STEPHEN E. HIGGINS HONORED FOR 32 YEARS OF SERVICE

#### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 21, 1993

Mr. HOYER. Mr. Speaker, it is with great pleasure that I rise today to give tribute to the accomplishments of a friend in the law enforcement community, Stephen E. Higgins.

Steve was the Director of the Bureau of Alcohol, Tobacco and Firearms from March 1983 until October 31, 1993. When Steve took the reigns as Director, actions to abolish ATF were being contemplated. Morale was at an all-time low, as employees prepared to either be laid off or split between other Treasury Department agencies. Steve inspired ATF's employees by formulating progressive plans to lead the agency into its future—a future that has been punctuated with remarkable accomplishments.

Steve began his Federal career in 1961, as an inspector in Omaha, NE, for ATF's predecessor agency. Recognized for his intelligence and leadership abilities, Steve rapidly rose through the ranks of ATF in various management positions.

Throughout his career, Steve has been recognized by the U.S. Government and the law enforcement community for his leadership abilities and impeccable reputation.

Steve has twice been recognized for his leadership, in 1980 and 1985, as a recipient of the Meritorious Executive Award. In 1988, the President presented Steve with the highest award in the Senior Executive Service, the Distinguished Executive Rank Award. In presenting the award, President Reagan cited Steve as a front-line commander in the fight against armed career criminals and armed drug traffickers, as well as for pioneering the use of firearms laws against drug cartels.

Steve was a recipient of the National Sheriffs' Association 1985 President's Award; the 1990 Roger W. Jones Award for Executive Leadership, which is granted annually by the American University to recognize Federal career executives for excellence in leadership; and the 1991 U.S. marshals America's Star Award for lifetime achievement in criminal justice and law enforcement.

In 1992, Steve was named a fellow in the National Academy of Public Administration, an organization chartered by Congress to stimulate improvements in managing the Federal work force.

Mr. Speaker, as you can see, Steve Higgins is someone who is deserving of recognition for his accomplishments as a dedicated and caring Federal employee and senior executive. I thank you for taking this time to recognize such a distinguished member of the Senior Executive Service upon his retirement after 32 years of service to a grateful Nation.